

9/11/07 (7)

ACTON NATURAL RESOURCES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: John Murray **Date:** September 6, 2007
From: Tom Tidman, Director *TT*
Subject: 4 High Street

The Commission had previously authorized a sidewalk along High Street, in connection with the 30-unit development, which included minor impacts to the man-made wetland near the road. Though the sidewalk could be constructed along the edge of the road without direct impact to the wetland, the Commission, staff and abutters found that the sidewalk was more appropriate behind the stone wall along High Street for safety reasons and the developer was encouraged to construct it in such a manner.

Therefore, if the Board of Selectmen find it appropriate to require a sidewalk along High Street, it should be requested to be similar to the sidewalk shown on the "Grading Plan" (Sheet 2 of 5) dated December 6, 2004, of the previous site plan. Such a design would be consistent with the previous Order of Conditions and preference of the Commission, Staff and abutters.

cc: Roland Bartl, Town Planner

mail
P.V. 100
9/10

Agenda

9/10

Acton Community Housing Corporation
Nancy Tavernier, Chairman
TOWN OF ACTON
Acton Town Hall
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 263-9611
achc@acton-ma.gov

TO: Board of Selectmen
FROM: Naomi McManus, Clerk
SUBJECT: Faulkner Mill
DATE: August 30, 2007
cc: Jim Fenton

The members of the ACHC are submitting comments regarding the ten duplex development Mr. Fenton proposes to build at Faulkner Mill located at 4 High Street. Outlined below is the history of the affordability component of the project:

On 11/12/04 the Acton Housing Authority submitted a letter to the BOS stating Mr. Fenton had an agreement with the AHA to set aside 2 rental units for low income households. The rents for the 2 units would be set at HUD's Fair Market Rents. The Selectmen's decision dated February 28, 2005 noted that if the developer ultimately sells the units, he has agreed to discuss selling units to the Town.

On June 1, 2006 Mr. Fenton met with the ACHC's Board to discuss his intention to change the development from rental to condominiums. The project change was attributed to high construction cost, sewer tie in, construction of sidewalks and the water departments demand fee. At that time the proposed development consisted of 32 units of studio, one bedroom and two bedroom units. He anticipated selling the market rate units at \$200,000. The ACHC's agreed to evaluate the possibilities of designating 1 or 2 units as affordable.

On April 30, 2007 Ms. Tavernier and Ms. McManus met with Mr. Fenton to discuss the possibility of the ACHC buying the High Street site with housing gift funds. The ACHC offered to pay cash for a price below the "appraised fair market value" that takes into account the value of the permitted units.. Mr. Fenton declined the offer and said he had decided to build a ten duplex project. He expressed an interest in selling a couple of the market rate units at a 5-10% discount to First Time Homebuyers.

On August 16, 2007 the ACHC's members discussed the Faulkner Mill project as a result of Mr. Fenton's recent meeting with the Board of Selectmen. The ACHC felt that if Mr. Fenton offered the Town one or two affordable Deed Restrictive LIP units and the sidewalk, the project would serve a public purpose and therefore should be granted a sewer connection.

The ACHC would therefore request the inclusion of 1 affordable unit to be priced as affordable to households earning no more than 80% of the Area Median Income. The unit should meet all the DHCD LIP Local Action Unit requirements so it can be counted toward the Town's 10%. The marketing and lottery for the affordable unit should be done at the developer's expense with ACHC oversight. The condo fee for the affordable unit would also need to be discounted to reflect the smaller percentage of beneficial interest this unit would be assigned. The LIP requirements for the Local Action Units that allow them to count are:

- (1) they have resulted from city or town action or approval.*
- (2) they will be sold on a fair and open basis and will be subject to an affirmative fair marketing and lottery plan approved by DHCD.*
- (3) their sale price is affordable to households at or below 80% of area median household income.*
- (4) their long-term affordability is secured by use restrictions, approved by DHCD*

Thank you for seeking our comments on the Faulkner Mill development.

BoS Agenda
09-10-07

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street
Acton, MA 01720

September 5, 2007

Board of Selectmen
472 Main Street
Acton, MA 01720

To the Board:

At your request, the Historic District Commission ("HDC") reviewed the further revised design and plan for the property at 4 High Street. This process included a meeting last night with the owner and architect. The property is outside but immediately adjacent to the South Acton Historic District Area, and is across the street from the Faulkner House, the oldest surviving house in Acton. We appreciate the Board's interest in our views concerning the new proposed design.

By a letter to the Board dated December 29, 2004, the HDC provided comments regarding a prior design for this property featuring a triplex building near High Street and a large building at the rear of the parcel. The HDC was generally in favor of the proposed elevations, and included minor recommendations for the project.

The current design calls for a collection of twelve identical duplex buildings to replace the prior design. In their exterior arrangements and materials, the duplexes track the triplex building proposed for this site back in 2004, except the architect has converted that triplex into a duplex and interspersed it many times throughout the buildable portion of the site. The current design features far less variety and visual interest than the prior design did. In the prior design, the proposed buildings were markedly different and there was no duplication of buildings, let alone duplication more than ten times over. This problem with the present design is most acute in the four duplexes in a group closest to High Street, which would be the most visible portion of the development from the street. The lack of any differentiation in the exterior designs of the duplexes creates a monotonous, "cookie cutter," mass-produced and thus non-historical effect.

We suggested that the owner and architect consider differentiating the size and exterior designs of the proposed buildings, to improve their historic character. We encouraged altering rooflines and considering more than one style for a project of this size and number of buildings. We also suggested the proponents of the development consider the Davis Place project as an example of more historically appropriate design.

The HDC would be happy to consult informally on design issues with the Selectmen or developer if and when this project moves forward.

Sincerely,


Brian Bendig
Historic District Commission

cc. George Dimakarakos
HDC
Garry Rhodes
(all by email)

John Murray

From: Ann Sussman
Sent: Thursday, September 06, 2007 10:47 AM
To: Lauren Rosenzweig
Cc: Design Review Board; Manager Department; Dore' Hunter
Subject: RE: Fenton - South Acton development

Lauren,

Sorry for the error re: 40b – someone started calling it that in the meeting...so it slipped in.

All I wanted to report is that a number of members of various committees who have seen the new South Acton project, including members of PB, HDC & DRB...expressed serious concern about its layout, design and poor quality.

We knew, technically, that Mr. Fenton could proceed with it.

We wondered if you knew about this public concern?

As the Chair of the DRB, I do not feel it is my role to call Mr. Fenton unless directed to do so by the Board of Selectmen or one of its members.

Best,

Ann
978 790 7776

From: Lauren Rosenzweig [mailto:lrs57@comcast.net]
Sent: Thursday, September 06, 2007 10:28 AM
To: annsml@pipeline.com
Cc: drb@acton-ma.gov; manager@acton-ma.gov; DoreHunter@aol.com
Subject: RE: Fenton - South Acton 40b

Hi Ann,

Thanks for your e-mail. Firstly, this project is not a 40B. It is a residential project allowed by right in the South Acton Village zoning district. The Planning Board supported granting sewer connection for this revised project because they feel that denser residential development in the vicinity of the train station and the businesses in the South Acton Village represents the essence of Smart Growth. The residents will give a much needed boost to the local business ventures, and the project is likely to attract people who wish to be able to walk to a train station to get into Boston or Cambridge to work. The Selectmen felt that the current project had not been vetted with the HDC and had other concerns that in order to grant sewer connection the project should be providing a similar level of public good as the previous special permit project for which the Selectmen had approved the sewer connection. Mr. Fenton agreed to go back and meet with the HDC. When Terra called me after she attended the HDC meeting on Sept. 4th she thought more design input was needed. I suggested she discuss her concerns with the DRB committee. I assume that your e-mail is in response to that discussion.

To give you some history---Mr. Fenton went through much process to get his original plan approved, which was a special permit to build apartments in a mill-type multi-story building on the old Waite Co. building footprint, with a Victorian looking duplex along the High Street frontage. The planning included extensive meetings with the HDC because given its nearness to the Historic District the Board of Selectmen were concerned that it be compatible with the rest of the character of the South Acton Village. Due to circumstances beyond his control, the project became economically unfeasible. The façade he is using on the duplex buildings is the one that they approved, albeit in a different configuration. I was not at the HDC meeting September 4th, but Terra reported to me by telephone that their suggestion to him when he went back with his current plan was that he vary the facades so they don't all look identical, but stay within the Victorian feel of the South Acton village. I understand that your committee would like to give further input, but it is out of your jurisdiction which is limited to commercial properties. The zoning allows Mr. Fenton to build this project by right. What is at issue is the permit for sewer hook-up. As I

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told Terra, if you as individuals wish to attend meetings about sewer connection for the project and offer concrete suggestions that you think might enhance the project, I feel that would be appropriate. Because the project is a by-right project it is not subject to a public hearing. You are also free to contact Mr. Fenton as the chair and ask if he would voluntarily like your input. What I as your liaison would want to avoid is any advice that would be in conflict with the direction the HDC has given him, and also to avoid alienating the development community because the committee is perceived as overstepping their bounds. As chair you might want to have a conversation with Mr. Fenton and tell him your concerns, and see what his response is. Emphasize that you know you don't have jurisdiction, but you care very much how the village turns out, and you have professionals on the committee that you think could be helpful. You can contact the Building Department to get his contact information.

Sincerely,

Lauren S. Rosenzweig

From: Ann Sussman [mailto:annsmail@pipeline.com]
Sent: Thursday, September 06, 2007 8:23 AM
To: 'Lauren Rosenzweig'
Cc: 'Design Review Board'
Subject: re: Fenton - South Acton 40b

Hi Lauren,

At the DRB meeting yesterday, the board expressed some concern about the newly revised 40b project Mr. Fenton is proposing for South Acton. This is no longer the "mill building", Mr Fenton originally proposed for the industrial-type site over a year ago, but a series of cookie-cutter town houses. While technically "legal", there is some concern voiced on the part of individual DRB members as well as members of the PB and the HDC, that this new proposal does not enhance the character of the area, or promote the look & feel of a revitalized south acton village the way we would hope – or the way the former project might have.

The DRB would be very willing to discuss this project with Mr. Fenton. We have not met with him formally nor have we officially reviewed the project to date. We also have not invited him to visit the board as of yet, because technically he is under no obligation to do so.

Please advise: could the selectmen recommend that he visit the DRB?

We could also submit a letter (email) of concern to the Board of Selectmen as a whole before the BOS hears/ approves the project.

Thanks,

Ann
 978 790 7776

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